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1 **IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO**

2 **STATE OF NEW MEXICO,**

3 Plaintiff-Appellee,

4 v.

NO. 35,700

5 **CODY RUIZ,**

6 Defendant-Appellant.

7 **APPEAL FROM THE DISTRICT COURT OF LEA COUNTY**

8 **Mark T. Sanchez, District Judge**

9 Hector H. Balderas, Attorney General

10 Santa Fe, NM

11 for Appellee

12 Templeman and Crutchfield

13 C. Barry Crutchfield

14 Lovington, NM

15 for Appellant

16 **MEMORANDUM OPINION**

17 **ZAMORA, Judge.**

18 {1} Defendant Cody Ruiz appeals from his judgment and sentence, entered pursuant

19 to a plea agreement, convicting him of two counts of homicide by vehicle. This Court

1 proposed to reverse on the summary calendar. The State filed a pleading entitled
2 “State’s Notice of Non-Filing a Memorandum in Opposition,” indicating its intent not
3 to file a memorandum in opposition to this Court’s proposed disposition. Accordingly,
4 for the reasons stated in the notice of proposed disposition, we reverse and remand to
5 the district court for entry of an amended judgment and sentence removing the serious
6 violent offenses designation.

7 **IT IS SO ORDERED.**

8 _____
9 **M. MONICA ZAMORA, Judge**

10 **WE CONCUR:**

11 _____
12 **JAMES J. WECHSLER, Judge**

13 _____
14 **TIMOTHY L. GARCIA, Judge**